IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 20558 of 2007(V)

PETITIONER:

BINDU.P., SENIOR ASSISTANT ELECTRICAL DIVISION, MAVELIKKARA UNDER ORDERS OF RELIEF TO IRINJALAKUDA CIRCLE RESIDING AT KOLLOOR HOUSE, KOIPPALLYKARAYMA, OLAKETTIYAMBALAM P.O., MAVELIKKARA, ALAPPUZHA DISTRICT.

BY ADV. SRI.R.RAJASEKHARAN PILLAI
SMT.SABINA JAYAN

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER (HRM), VYDYUTHI BHAVAN, TRIVANDRUM.

BY ADV. SRI.K.S.ANIL, SC, KSEB
SRI. ASOK M.CHERIYAN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 20558 OF 2007
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Dated this the 10th day of August, 2007

J U D G M E N T

Petitioner is a Senior Assistant working in the Kerala State Electricity Board. She was posted at Mavelikara. While so, making reference to Clause 8 of Ext.P1 norms governing transfer, she had requested that she may be accommodated in Pathanamthitta District or Kollam District or atleast in the Vaidyuthi Bhavanam, Thiruvananthapuram. However, by Ext.P2 order, she was transferred to Irinjalakuda. It is stated that thereafter though the Board had issued a revised order of transfer, the request of the petitioner was ignored on that occasion also. At that stage, she filed Writ Petition No.16948/07, in which Ext.P4 interim order was passed by this Court directing the 2nd respondent herein to consider the representation made by the petitioner in the light of Clause 8(3) of Ext.P1. Her request was again

rejected and finally the writ petition was disposed of by Ext.P6 judgment directing the respondents to consider her claim against future vacancies. She was also given liberty to point out availability of vacancies, and seek posting against one of them. Taking advantage of the liberty so given in Ext.P6, petitioner submitted Ext.P7 representation pointing out vacancies in Pathanamthitta District as well as in Vaidyuthi Bhavanam, Thiruvananthapuram. Still later Ext.P2 transfer order was again modified and on that occasion also her claim was not considered and it is in that background, this writ petition was filed by the petitioner to quash Ext.P5 and to direct 2nd respondent to consider Ext.P7.

2. Counter affidavit has been filed by the Board justifying the transfer of the petitioner and contending that the vacancies in Trivandrum (Urban), (Rural) and Vydyuthi Bhavanam, have to be filled up by promotees. It is also

stated that she already had a tenure of 3½ years at Mavelikkara and it was therefore that she had to be transferred out to consider eligible requests of those who had longer out station service. However, the counter affidavit does not make reference to the vacancies pointed out by the petitioner in Pathanamthitta District. Along with the reply affidavit filed by the petitioner, she has produced a communication obtained in terms of the Right to Information Act, 2005. In this communication, the Public Information Officer of the Board has informed her that in Pathanamthitta Division, there are eight vacancies of Senior Assistants as on 21/6/07.

3. In the light of Clause VIII of Ext.P1 transfer norms, the Board is bound to ensure that as far as possible women employees are accommodated in nearby places. If that be so, it is only fair that the request of the petitioner is also considered against one of those vacancies in

Pathanamthitta District, which have been mentioned in Ext.P9.

4. The 2nd respondent shall consider the petitioner's request in Ext.P7, in the light of Ext.P9. It is directed that such reconsideration shall be completed within a period of two weeks from the date of receipt of a copy of this judgment. Petitioner shall produce a certified copy of this judgment before the 2nd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp